

1907-034

Lee Co.

Chancery Causes: William Marcum vs. Nora Marcum alias Nora Turner

Williams, Sword

CA-Divorce

T-Migration

Vices

To the Honorable H.A.W.Skeen, Judge of the Circuit Court of Lee County, Virginia:

Humbly complaining your Orator, William Marcum, would respectfully show unto your Honor that on the 7th day of June, 1896, he was married to one Nora Williams, in Claiborne County, Tennessee, and that he and his said wife at once, thereafter, took up their residence at their former home in Lee County, Virginia, where they continued to live together until late in the Fall of that year when they removed to Middlesboro, Kentucky; that they lived in the said city of Middlesboro, until the next Summer, ¹⁸⁹⁷ when your Orator becoming dissatisfied with living at that place decided to moved back to his home in Lee County. His said wife at first objected to coming back to Lee County to live, but after talking the matter over with her your respondent finally got her to promise to return with him, and there was an agreement and understanding between them that he should come on back to Lee County and get a home in readiness for them, then write to her and she would come on to him. Your respondent did, pursuant to this understanding, come on back to Lee County, and prepare a home for himself and his said wife, and then wrote to her to come on. He did not receive any reply to his letter, and he wrote again, and then again, writing in all some half dozen or more letters from time to time, and to all of these he received only one reply from his said wife, a letter, in which she said she did not intend to come and that she would not live with him again. Your orator wrote to her after getting this letter to try to induce her to come, but he never received any reply from such letters. Your orator will now show your Honor that he has lost or misplaced said letter which he received from the said Nora, so that he is unable to file ~~the~~ same with his bill, but there are living witnesses, and responsible men, who saw said letter and read the same and can testify as to its contents.

Your orator will now show your Honor that some time after receiving the aforesaid letter from his said wife, he heard a rumor from whom he does not now remember, that ~~that~~ his said wife had instituted, or was threatening to institute, a suit against him for a

divorce, in the State of Kentucky; but knowing that she had no grounds upon which to base such a suit, and still hoping that she would return to her home and live with him, if given time to think the matter over, your orator paid no attention to this rumor, and he was in no way notified of the institution of any such suit. Later your orator was reliably informed by parties who claimed to have seen his said wife, that she claimed to have secured a divorce, and had married again, and was living with one _____ Turner claiming to be married to him. Upon investigation your orator found it to be true that his said wife was married to one _____ Turner, and was, and still is, living with him in the relation of wife, in the City of Middlesboro, Kentucky. Then your orator employed counsel to investigate said alleged divorce proceedings, if there had been such, and upon their investigation he was informed that such a suit had been instituted in Bell County, Kentucky, that desertion was alleged as a grounds for divorce prayed for, and that a decree had been entered in said cause granting a divorce. But your orator was further informed that the records in this cause do not show that any process was ever served upon him, notifying him of the institution or pendency of said suit, and that no proceedings were taken against him as a non-resident defendant, and in actual fact, as your orator here alleges, there never was any service of process served upon him in any manner, notifying him of the institution or pendency of said suit, although his whereabouts, at the time of the institution of said suit was well known to the said Nora Marcum. Your orator is advised that if said cause had been regular in all particulars, and the grounds alleged for divorce properly proved, he having been properly made a party thereto and given his day in Court, the decree entered in the cause would have granted ~~to himself~~ an absolute divorce to himself as well as to his said wife, but since he was never properly made a party to said suit, process never having been served upon him nor any attempt made to give him legal notice of the institution or pendency of said suit, any order entered therein is absolutely void and of no effect, and he here alleges that said decree is absolutely void, as well as all other proceed-

ing had in the said cause. Your orator further alleges that it is not true that he had deserted his said wife, but on the contrary the fact is that she decerted and abandoned him,* as is hereinbefore fully set out. Your orator was a kind and affectionate husband to the said Nora during all the time that she lived with him as his wife, and provided for her in a manner suited to their condition and station in life. Your orator did not desire to get a divorce from his said wife, and he has lived all the time in the hope that she would think better of her first decision and return to him and live with him as she did in the first months of their married life, but since she has now attempted to get a divorce, which could have only terminated adversely to her had your orator been notified and been given a chance to defend the same, and since she has now married again, and is living with the said _____ Turner as his wife, your orator thinks ~~that~~ it proper that proper action be taken and a divorce legally granted to him.

Your orator further alleges that he is a citizen and resident of Lee County, Virginia, and has been a citizen of such County for more than one year next preceeding the institution of this suit.

The prayer, therefore, of your orator is that the said Nora Marcum, alias Nora Turner, be made the party defendant to this bill that she be required to answer the same, but she need not do so under oath as answer under oath is expressly waived; that order of publication be made published and posted against the said defednant she being a non-resident of the state of Virginia; and that upon a final hearing a decree be entered granting to your Orator a divorce a vinculo matrimonii; and for general relief; and he will ever pray &c.

W. J. Lurcan p.q.

Costs

Clark	4.45 - paid
Printer	5.00 paid
Cour.	1.50 paid
atty	15.00 paid
Stx	1.50 paid
to	\$27.45

William Marcum
 vs. { In Chancery
 Nora Marcum, alias
 Nora Currier
 — Bill —

Filed Mich. 14, 1907.

J. C. Ewing,

2nd Clerk.

1907 Mich Rules

Contd for O.P.

" 1st April Rules

Contd for O.P.

" 2nd April Rules

O.P. Completed &

Cause set for hearing

William Marcum,

Plaintiff.

Vs.

In Chancery.

Nora Marcum alias Nora Turner.

Defendant.

This cause came on this day to be heard upon the Bill of the plaintiff; proof of legal services by publication and posting of proper summons by publication on the defendant who is a non-resident and who failed and still fails to appear, plead, ~~demur~~, or answer the said bill, which is taken for confessed against her; and the depositions of witnesses, properly taken and certified before one of the Commissioners of this Court; and was argued by counsel.

On consideration of all which, and it appearing to the Court from the evidence in the case that the defendant deserted and abandoned the plaintiff, which desertion and abandonment has continued for more than three years next before the institution of this suit; and that the plaintiff has been domiciled in this county and state for more than one year next before the institution of this suit; it is adjudged ordered and decreed that the bonds of matrimony existing between the plaintiff, William Marcum and the defendant Nora Marcum alias Nora Turner be, and the same are, hereby annulled and dissolved and that the plaintiff be granted a divorce of vinculo matrimonii from the defendant;

And it is further adjudged ordered and decreed that the plaintiff recover of the defendant his costs in this suit expended.

And this cause is stricken from the docket.

William Marcus

vs. { Final Decree

Nora Marcus, alias

Nora Duran.

Entered in C.C.B.
#8, page 285

Enter this Decree

May 31, 1907.

JACOB W. STONE

The depositions of Nathan Sword, and others, taken before me, Geo. P. Cridlin, a Commissioner in Chancery for the Circuit Court of Lee County, Virginia, at the law office of C. I. Duncan in the town of Jonesville, Virginia, on the 7th day of May, 1907, which depositions are intended to be read as evidence in behalf of the plaintiff in a certain suit in Chancery now depending in the Circuit Court of Lee County, Virginia, in which William Marcum is plaintiff and Nora Marcum, alias Nora Williams is defendant.

Present C. I. Duncan attorney for plaintiff.

Nathan Sword, a witness of lawful age being first duly sworn deposes as follows:

Q.1.-- Please state your age, occupation and place of residence?

A.-- I am 45 years old, and am farmer, and reside on Wallens Creek, Lee County, Virginia.

Q.2.-- Are you acquainted with the plaintiff and defendant in this suit, and if so how long have you known them?

A.-- I am acquainted with said parties, and have known them all their lives, except for what time she has been in Kentucky.

Q.3.-- Please state whether or not the plaintiff and defendant now live together as husband and wife, and if you say they do not, state anything and all you may know relative to their separation?

A.-- They do not live together now as husband and wife. I know that they separated. Six years ago last winter I wrote a letter to her for him. I cannot state just the language of the letter, but I wrote it for him just as a man would write to his wife who had left him and he wanted to live with her, and in the letter he told her that he wanted to have her live with him and that he would support her and take care of her if she would allow him to do so. That was the purport of the letter. Sometime afterwards, I believe something like two months he got an answer to the letter and I read that. In that letter she stated that she would not live with, refused everything he had offered, and ordered him not to write to her any more. I have never seen her since before that time, and they have never lived together to my knowledge since.

Q.4.-- State where the Plaintiff and defendant lived at the time

of their marriage, and where do they now reside?

A.-- They both lived on Wallens Creek in this County when they married and lived there some time after they were married. Nora Marcum does not live in this County, and as I understand lives in Kentucky and has lived there for more than six years. William Marcum lives in Lee County, Virginia, and I suppose has made his home here all his life, at least he has made this his place of residence for the last six years.

Q. 4.-- Do you know anything, or ever hear anything about the said Nora Marcum having married since she deserted the said William?

A.-- I have heard her mother talk of her being married to a man by the name of Turner, and it is the general understanding that she has since married in Kentucky, and I don't suppose there is any doubt about it.

And further this deponent saith not.

Notham Sword

William Marcum, another witness of lawful age being duly sworn deposes as follows: .

Q.1.-- Please state whether or not you are the defendant in this cause?

A.-- I am the defendant in this cause.

Q.2.-- When were you married to the defendant, state how long and where you lived with her and state when and the circumstances of her deserting you?

A.-- We were married in June 1896. We first lived together on Wallens Creek in Lee County Virginia for six months or more and then we moved Middlesboro, and after staying there a few months, then we decided to move back to our old home in Lee County. She at first did not want to come, but after some time I persuaded her that it was the best thing to do, and she agreed for me to come on to Lee County and get ready for her to come and that she would come on. In a short time I wrote to her to come on and she answered that she would not come and for me not to write to her any more. I wrote twice I think, but she only answered one of the letters.

She never did come, but has all the time refused to live with me, and I have lately been informed that she claims to have obtained a divorce in Kentucky and is living with another man as his wife. I always treated my wife kindly and provided for her in the best manner possible. We were very young when we were married. I was only 19 and she fourteen. I have been ready at all times to take her back and live with her, until I heard she was living with another man, but she has emphatically refused to live with me.

I have lived in Lee County all my life, except for the few months that I lived in Middlesboro, Ky. some six or seven years ago. and Lee County has been the place of my residence for more than six years next before the institution of this suit. I have been more than six years since my said wife deserted me. I never had notice of any suit for divorce ever having been brought by her against me. And further this deponent saith not.

W. M. Marcum

Virginia, Lee County, to-wit:

I, Geo. P. Cridlin, a Commissioner in Chancery for the Circuit Court of Lee County, Virginia, do certify that the foregoing depositions of Nathan Sword and William Marcum, were taken, sworn to and subscribed before me at the time, place and for the purpose of in the caption mentioned.

Given under my hand this the 7th day of May, 1907.

Geo. P. Cridlin
Commissioner in Chancery.

W^m Marcum
vs. { In Chy
Nora Marcum alias
Nora Linner

Depositions

Filed May 7, 1907.

J. C. Ewing,
Clerk

In the Clerk's Office of the Circuit Court of the county of Lee, on the 12
day of March, 1907

William Marcum

Plaintiff

against

Nora Marcum alias Nora Turner

Defendant

In Chancery.

The object of this suit is to obtain divorce a vinculo matrimonii
by plaintiff from defendant

And an affidavit having been made and filed that the defendant, Nora Marcum alias
Nora Turner, is
^a not resident of the State of Virginia, it is ordered that she do appear here within fifteen days
after due publication hereof, and do what may be necessary to protect her interest in this suit. And it is
further ordered that a copy hereof be published once a week for four weeks in the Jonesville
Star and that a copy be posted at the front door of the Courthouse of this county as prescribed
by law.

A copy—Teste:

C. J. Duncan

p. q.

H. C. P. Ewing
By W. E. Haney, D.C.

Clerk.

Wm Marcum

vs.

{ ORDER OF
PUBLICATION

Nora Marcum, alias
Nora Turner,

Virginia, Lee County, to-wit:

J. H. Ewing, County
Clerk, do certify that I
posted a true copy of
the within order of pub-
lication at the front
door of the Court-
house of said County
on this day,

Given under my
hand, this the 13th day
of March, 1907.

J. H. Ewing,
Clerk,

In the Clerk's Office of the Circuit Court of the County of Lee,

William ~~Mar~~ Marcus Plaintiff

against

In Chancery

Nora Marcus alias Nora Turner Defendant

This day William Marcus personally appeared
before me M. E. Flannery deputy for S. C. J. Ewing Clerk of the said Court,
and being duly sworn, made oath that Nora Marcus alias Nora Turner

defendant in the said suit is not a resident of the State of Virginia,

Given under my hand as Deputy Clerk of the said Court, this 17 day of March 1907.
M. E. Flannery, S. Clerk.

Wm Marcum

VS

{ AFFIDAVIT FOR ORDER
OF
PUBLICATION

Nora Marcum
alias Nora
Turner

C. J. Duncan, p. q.

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon *Nora Marcum, alias Nora*
Turner,

to appear at the Clerk's office of the Circuit Court of the County of Lee, at rules to be held for the said court, on
the *1st* Monday in *May*, 190*7*, to answer a bill in chancery exhibited against *her*
by William Marcum,

And have then there this writ. Witness, H. C. T. EWING, Clerk of our said Court, at the court-house, the *12th*
day of *March*, 190*7*, and 1 *31* year of the Commonwealth.

A Copy, Teste:

_____, Clerk

H. C. T. Ewing, Clerk

Wm Marcum

VS

SUBPOENA
IN
CHANCERY

Nora Marcum

alias Nora Turner

C. P. Dancy, p. q.

To

1st May

Rules

Circuit

Court

1907.

Order of Publication.

In the Clerk's Office of the Circuit Court
of the county of Lee, on the 12th
day of March, 1907.

WILLIAM MARCUM, Plaintiff,
against

NORA MARCUM alias NORA TURNER
Defendant.

In chancery.

The object of this suit is to obtain
divorce a viriculo matrimonii by plain-
tiff from defendant. And an affidavit
having been made and filed that the de-
fendant Nora Marcum, alias Nora Tur-
ner, is not a resident of the State of Vir-
ginia, it is ordered that she do appear
here within fifteen days after due pub-
lication hereof, and do what may be
necessary to protect her interest in this
suit. And it is further ordered that a
copy hereof be published once a week
for four weeks in the Jonesville Star
and that a copy be posted at the front
door of the Courthouse of this county
as prescribed by law.

A copy—Teste:

H. C. T. EWING, Clerk.

By M. E. FLANARY, D. C.

C. T. DUNCAN, p. q.

William Mercam

vs { in Lucy

Mrs. Mercam
alias Nora Pinner



I, J. C. Boutwell, editor

of The Jonesville Star, a weekly newspaper
published in the county of Lee, state of Virginia,
do hereby certify that the enclosed notice was
published in said paper once a week for four
successive weeks, commencing on the 14
day of March 19017

J. C. Boutwell, Editor.

FEE \$ 5.00

Printed